



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TJR

Docket No: 477-00

17 July 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 11 July 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Naval Reserve on 14 September 1981 at the age of 17. Your record reflects that you served for two years and four months without disciplinary incident. However, on 22 March 1984 you received nonjudicial punishment (NJP) for wrongful use of marijuana and were awarded forfeitures totalling \$572, restriction and extra duty for 45 days, and reduction to paygrade E-1.

Your record further reflects that during the period from 26 March to 3 July 1984 your urine tested positive for marijuana on four more occasions. Subsequently you were notified of pending administrative separation action by reason of misconduct due to drug abuse. After consulting with legal counsel, you elected to present your case to an administrative discharge board (ADB). On 17 July 1984 an ADB recommended you be issued an other than honorable discharge by reason of misconduct due to drug abuse. On 29 August 1984 your commanding officer also recommended you be issued an other than honorable discharge by reason of misconduct due to drug abuse. The discharge authority approved the recommendation and directed your commanding officer to issue you an other than honorable discharge. On 10 September 1984 you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity, good post service conduct. The Board also considered your contentions that you would like your discharge upgraded now that you have beaten your drug addiction, and would like to obtain a college education, and that 16 years of punishment is sufficient for any wrong-doings that occurred while you were in the service. However, the Board concluded these factors and contentions were not sufficient to warrant recharacterization of your discharge given the serious nature of your drug related misconduct. Further, no discharge is upgraded merely because of the passage of time. Given all the circumstances of your case, the Board concluded your discharge was proper as issued and no change is warranted. Accordingly, your application has been denied.

The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director